



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Fire Code Adoption - California Fire Code - 1995 Edition

MEETING DATE: August 30, 1997

PREPARED BY: Scott W. Kenley

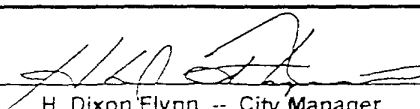
RECOMMENDED ACTION: Following public hearing and public testimony, that the City Council adopt the attached ordinance.

BACKGROUND INFORMATION: The City's adoption of the Uniform Fire Code is an ongoing process driven by adoption of revisions at the state level. The State of California adopted the 1994 Uniform Fire Code with those revisions. This code became known as the California Fire Code - 1995 Edition. The Uniform Fire Code - 1991 Edition is the present code adopted by the City of Lodi. The purpose of this public hearing is to present and recommend adoption of the California Fire Code - 1995 Edition. The proposed adoption of the California Fire Code - 1995 Edition is less restrictive than the present code adopted by the City of Lodi in that it significantly reduces the cost impact on existing buildings

The Uniform Building Code is one of the codes used by the City that is integrally involved in the application of the fire code. The Uniform Building Code has gone through a major rewrite with additional occupancy types being established. At the code hearings, those voting to adopt the revisions elected not to make fire sprinkler systems a requirement based solely upon square footage, but gave consideration to building uses and processes. For approximately ten (10) years, the fire service has been creating local amendments to the fire code with regards to fire sprinklers. In that period, the Uniform Building Code and Uniform Fire Code have failed to require fire sprinklers for all occupancies based on square footage. The focus in the code has been on alerting occupants through the installation of fire alarm systems and not on property protection. The primary focus being life safety, not property conservation.

The City of Lodi presently has adopted a requirement to sprinkler any new building having a square footage of 6,000 square feet or greater (this would include residential). An exception has been made if the space is divided by a two (2) hour fire separation with no penetration. Additionally, the present code requires the installation of a fire sprinkler system in any remodeled building having an area of 6,000 square feet or larger when the remodel exceeds \$ 100,000 in building improvement costs.

APPROVED: _____


H. Dixon Flynn -- City Manager

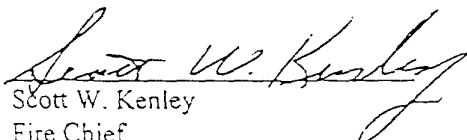


CITY OF LODI, COUNCIL COMMUNICATION

It is my understanding that this requirement, being more restrictive than state code, has caused some concern in the community. In researching this issue, I feel that the issue centers more on the retrofit requirement than the new construction aspect of the code amendment. In discussions with the business community, they have stated that in this day and age, it is an accepted fact that most new commercial construction will require the installation of a fire sprinkler system. I understand the philosophy concerning existing buildings and concur with the negative impact this could have on the business community. However, I feel it is my responsibility to minimize, as much as possible, the fire hazard to the community and follow the policies set forth in the City's adopted General Plan that promotes the installation of automatic interior sprinkler systems in all new developments.

Therefore, the proposed code as brought before you today, still contains a square footage requirement. However, it applies to new commercial construction and remodels of existing buildings that propose to add fifty percent (50%) additional square footage to the existing buildings. In addition, the square footage requirement would not apply to residential construction.

FUNDING: None required


Scott W. Kenley
Fire Chief

SK/cs

ORDINANCE NO. 1651

AN ORDINANCE ADOPTING THE "CALIFORNIA FIRE CODE, 1995 EDITION", AND THE APPENDIXES I-C, II-A, II-B, II-C, II-D, II-E, III-A, III-C, III-D, IV-A, IV-B, V-A, VI-A, VI-B, VI-D THERETO, WHICH CODE PROVIDES REGULATIONS GOVERNING THE CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; REPEALING SECTIONS 15.20.010 THROUGH 15.20.480 INCLUSIVE OF THE CODE OF THE CITY OF LODI AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE LODI CITY COUNCIL.

Section 1. Section 15.20.010 through 15.20.480 inclusive of the Code of the City of Lodi is hereby repealed and is superseded and replaced by new sections 15.20.010 through 15.20.310 inclusive as hereinafter set forth.

Section 2. There is hereby adopted new Sections 15.20.010 through 15.20.310 of the Code of the City of Lodi to read in full as follows:

15.20.010 ADOPTION

The provisions set forth in the "California Fire Code, 1995 Edition", together with the appendixes I-C II-A, II-B, II-C, II-D, II-E, III-A, III-C, III-D, IV-A, V-A, VI-A, VI-B, VI-D thereto, are hereby adopted as the fire prevention code of the city. The fire prevention code of the city shall apply in all matters pertaining to storage, handling and use of hazardous substances, materials and devices; and to conditions hazardous to life and property in the use or occupancy of buildings or premises within the city.

5.20.020 BUREAU OF FIRE PREVENTION

The Bureau of Fire Prevention is established in the Fire Department of the City of Lodi and which shall be operated under the supervision of the chief of the department. The Bureau of Fire Prevention shall enforce and is authorized to issue such orders or notices as may be necessary for the enforcement of the California Fire Code, National Fire Codes and where necessary and appropriate, any fire or life safety sections of the California Health and Safety Code, California Penal Code, and all other city, county or state fire or life safety related laws or codes not specifically covered in any part of this code.

15.20.030 JURISDICTION DEFINED

Whenever the word "jurisdiction" is used in the California Fire Code it shall mean the City of Lodi.

15.20.040 SECTION 103.1.4 AMENDED APPEALS

Section 103.1.4 of the "California Fire Code, 1995 Edition" adopted by Section 15.20.010 is amended to read as follows:

Whenever the Fire Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the fire prevention code do not apply or that the true intent and meaning of the fire prevention code has been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the City Council within thirty days from the date of the decision appealed.

15.20.050 SECTION 103.2.1.1 (9) ADDED RESPONSIBILITY FOR ENFORCEMENT

Section 103.2.1.1 (9) of the "California Fire Code, 1995 Edition" adopted by Section 15.20.010 is added to read as follows:

The apprehension, detention and prosecution of those persons found to be in violation of the arson, explosive and fire insurance fraud sections of the California Penal Code.

15.20.060 SECTION 103.2.2.3 ADDED FIRE PREVENTION BUREAU-ARSON INVESTIGATORS

Section 103.2.2.3 of the "California Fire Code, 1995 Edition" adopted by Section 15.20.010 is added to read as follows:

All sworn members assigned to the Fire Prevention Bureau are hereby assigned as Arson Investigators and as such shall enforce the provisions of the California Penal Code as it pertains to arson.

15.20.070 SECTION 103.4.4 AMENDED VIOLATION

Section 103.4.4 of the "California Fire Code, 1995 Edition" adopted by Section 15.20.010 is amended to read as follows:

No person, whether as owner, lessee, sublessee or occupant, shall use, occupy or maintain any occupancy, premises, or vehicle or cause or permit the same to be done, contrary to or in violation of any of the provisions of this fire code or any lawful order issued by the Fire Chief or his authorized representatives under this chapter. Any person violating the provisions of this section is guilty of a misdemeanor for each day such violation continues.

15.20.080 SECTION 4.107(f) ADDED REVOCATION, SUSPENSION DENIAL

Section 4.107(f) of the "California Fire Code, 1995 Edition" adopted by Section 15.20.010 is added to read as follows:

The Fire Chief further shall have the power to revoke, suspend, or deny the granting of any permit required pursuant to the provision of the Code for any of the following reasons:

- (a) When deemed necessary for the protection of life, limb, or property; or
- (b) For the violation of any provisions of this Code; or
- (c) For changing the occupancy, equipment, materials, processes, or other conditions in such a manner as to create a greater danger of fire or explosion or less protection than was present at the time of the issuance of such permits.

15.20.090 SECTION 105.8.1 ADDED NEW MATERIALS, PROCESSES OR OCCUPANCIES

Section 105.8.1 of the "California Fire Code, 1995 Edition" adopted by Section 15.20.010 is added to read as follows:

The City Manager, Fire Chief and Fire Marshal shall act as a Committee to determine and specify after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in the Code. The Fire Marshal shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.

15.20.100 SECTION 902.2.2.1 AMENDED DIMENSIONS

Section 902.2.2.1 of the "California Fire Code, 1995 Edition" adopted by Section 15.20.010 is amended to read as follows:

Fire apparatus access roads shall have an unobstructed width of not less than 24 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.

Vertical clearances or widths shall be increased when, in the opinion of the chief, vertical clearances or widths are not adequate to provide fire apparatus access.

15.20.110 SECTION 902.2.2.2 AMENDED SURFACE

Section 902.2.2.2 of the "California Fire Code, 1995 Edition" adopted by Section 15.20.010 is amended to read as follows:

Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall provide a permanent surface of asphalt or concrete installed the full width of all streets, cul-de-sacs and fire lanes.

15.20.120 SECTION 901.4.4 AMENDED PREMISES IDENTIFICATION

Section 901.4.4 of the "California Fire Code, 1995 Edition" adopted by Section 15.20.010 is amended to read as follows:

Approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

The approved minimum size dimensions of the numbers shall be as specified by Table 1.

Where a building is set back from the street or road fronting the property and where addresses may not be clearly identifiable due to distance from the street or roadway, landscape and architectural appendages, or other obstructions, address posting shall be required both at the street driveway serving such building and on that building.

TABLE 1	
Distance to Building Address Measured From Back of Walk	Size Height
25 Feet	3 INCHES
26-40 Feet	5 INCHES
41-55 Feet	9 INCHES
OVER 55 Feet	12 INCHES

15.20.130 SECTION 901.4.4.1 ADDED PREMISES IDENTIFICATION-REAR

Section 901.4.4.1 of the "California Fire Code, 1995 Edition" adopted by Section 15.20.010 is added to read as follows:

Any business or apartment building which affords vehicular access to the rear through a driveway, alley way or parking lot, shall also display approved identification or address numbers on the rear of the building for such business or apartment building in a location approved by the Fire Chief.

15.20.140 SECTION 901.4.4.2 ADDED PREMISES IDENTIFICATION-MULTIPLE DWELLING UNITS

Section 901.4.4.2 of the "California Fire Code, 1995 Edition" adopted by Section 15.20.010 is added to read as follows:

An approved diagram of the premises which clearly indicates all individual addresses of each unit in the complex shall be erected at the entrance driveways to every multiple dwelling complex having more than one building on the premises or when required by the Fire Chief.

In addition, the Fire Chief may require that individual buildings on the premises be identified in an approved manner.

15.20.150 SECTION 902.4.1 ADDED HMMP BOX

Section 902.4.1 of the "California Fire Code, 1995 Edition" adopted by Section 15.20.010 is amended to read as follows:

When a business which handles hazardous materials is required to complete a hazardous materials Management Plan, the Chief may require the installation of a secured box at the primary facility entrance containing a copy of the Hazardous Materials Management Plan. This box shall be waterproof and capable of holding the document in a rolled condition without folding. Other characteristics of the box shall be approved by the Chief.

Businesses which handle acutely hazardous material as defined in Section 25532 of the Health and Safety Code shall install a Hazardous Material Management Plan Box in accordance with this section.

15.20.160 SECTION 1002.11 AMENDED FIRE APPLIANCES

Section 1002.11 of the "California Fire Code, 1995 Edition" adopted by Section 15.20.010 is added to read as follows:

All buildings and premises, except R3 occupancies, shall have installed and properly mounted in approved location a minimum of one fire extinguisher having a minimum rating of Type 2A:10BC or a pressurized water extinguisher having a minimum rating of Type 2A, or of a quantity, type and location as determined by the Fire Chief.

All portable fire extinguishers shall be serviced once a year.

15.20.170 SECTION 1003.2.3.3 DELETED AUTOMATIC FIRE EXTINGUISHING SYSTEMS

Section 1003.2.3.3 of the "California Fire Code, 1995 Edition" adopted by Section 15.20.010 is deleted

15.20.180 SECTION 1003.2.7 DELETED AUTOMATIC FIRE EXTINGUISHING SYSTEMS

Section 1003.2.7 of the "California Fire Code, 1995 Edition" adopted by Section 15.20.010 is deleted.

15.20.190 SECTION 1003.2.9 ADDED AUTOMATIC FIRE EXTINGUISHING SYSTEMS

Section 1003.2.9 of the "California Fire Code, 1995 Edition" adopted by Section 15.20.010 is added to read as follows:

In addition to the requirements specified in Section 1003, an automatic sprinkler systems shall be installed throughout and maintained in an operable condition regardless of the installation of area separation walls in the following buildings:

- (1) Every building hereafter constructed in which the total floor area is 6,000 square feet or more.
- (2) Every building hereafter constructed of three or more stories as defined in the Uniform Building Code.
- (3) Every building hereafter in which the square footage existing as of September 1, 1997 is increased by 50% and the total square footage of the building exceeds 6000 square feet.
- (5) This section shall not preclude or alter the intent of the Uniform Building Code, Section 508. Fire resistive substitution.

Exceptions:

1. R-3 Occupancies
2. When approved by the Fire Chief, buildings divided into areas not greater than 6,000 square feet by area separations walls of not less than 2-hour fire-resistive construction provided that:
 - a. Walls are constructed without openings and without penetrations for ducts.
 - b. No avenues exist that would allow fire, heat or smoke spread between divided areas.
 - c. The location of the firewall is clearly marked and identified on the exterior of the building in a manner approved by the Fire Chief.
 - d. The firewall is identified in the interior of the building in a manner approved by the Fire Chief.
 - e. An 8 1/2-inch by 11-inch site plan is submitted indicating the location of the firewall in the building.

The use of this exception may be denied or revoked by the Fire Chief for due cause.

For the purposes of applying this section, each portion of a building separated by one or more area separation walls shall not be considered a separated building.

15.20.200 SECTION 1102 - DELETED ARTICLE 11, DIVISION II SECTION 1102.2.5

Section 1102 through Section 1102.2.5 of the "California Fire Code, 1995 Edition" adopted by Section 15.20.010 are deleted.

15.20.210 SECTION 1102.3 AMENDED - OPEN BURNING

Section 11.203 of the "California Fire Code, California Edition" adopted by Section 15.20.010 is added to read as follows:

No person shall kindle or maintain any outdoor fire within the limits of the City of Lodi, except that this section shall not prohibit those fires that are approved by the Fire Chief for the following purposes:

- a. The prevention of a fire hazard which cannot be abated by any other means.
- b. The instruction of public employees in the methods of fighting fire.
- c. The instruction of employees in methods of fighting fire, when such fire is set, pursuant to permit, on property used for industrial purposes.
- d. The setting of backfires necessary to save life or valuable property pursuant to Section 4426 of the Public Resource Code.
- e. The abatement of fire hazards pursuant to Section 13055 of the Health and Safety Code.
- f. Disease or pest prevention, where there is an immediate need for and no reasonable alternative to burning.

Nothing in this section shall be construed as prohibiting open outdoor fires used only for cooking food for human consumption where such use is accomplished in an approved fireplace or barbecue pit, or for recreational purposes in areas approved by the Fire Chief, provided that the combustible material is clear dry wood or charcoal.

15.20.220 SECTION 1102.3.9 ADDED CONSTRUCTION SITES

Section 1102.3.9 of the "California Fire Code, 1995 Edition" adopted by Section 15.20.010 is added to read as follows:

No unsafe or uncontrolled fire shall be permitted to burn on any construction site for any purpose. This section is not to prohibit the use of devices or tools producing a flame when used in an approved manner and necessary for the construction of the building.

15.20.230 SECTION 1104 DELETED PARADE FLOATS

Section 1104 of the "California Fire Code, 1995 Edition" adopted by Section 15.20.010 is deleted.

15.20.240 SECTION 1117 ADDED ELECTRICAL DISCONNECT

Section 11117 of the "California Fire Code, 1995 Edition" adopted by Section 15.20.010 is added to read as follows:

All buildings providing electrical service through more than one (1) service meter or through multiple service connections, shall have each main electrical disconnect identified in a manner approved by the chief indicating areas or units served.

15.20.250 SECTION 1118 ADDED GAS DISCONNECT

Section 1118 of the "California Fire Code, 1995 Edition" adopted by Section 15.20.010 is added to read as follows:

All buildings providing natural gas service through more than one (1) service meter or through multiple service connections, shall have individual gas shut-offs identified in a manner approved by the chief indicating areas or units served.

15.20.260 ARTICLE 47 DELETED FUMIGATION AND THERMAL INSECTICIDAL FOGGING

Article 47 of the "California Fire Code, 1995 Edition" adopted by Section 15.20.010 is deleted.

15.20.270 SECTION 7701.7.2 LIMITS EXPLOSIVE AND BLASTING AGENTS

The limits referred to in Section 7701.7.2 of the California Fire Code, 1995 Edition" adopted by Section 15.20.010 in which the storage of explosives and blasting agents is prohibited is the entire city except in areas zoned M-2 as such zone is defined in the zoning regulations of the City.

15.20.280 SECTION 7801.3.1.1 AMENDED MANUFACTURING OF FIREWORKS

Section 7801.3.1.1 of the "California Fire Code, 1995 Edition" adopted by Section 15.20.010 is amended to read as follows:

The manufacture of fireworks within the limits of the City of Lodi is prohibited.

15.20.290 SECTION 7902.2.2.2.1 LOCATION OF ABOVE GROUND TANKS ARE PROHIBITED

The limits referred to in Section 7902.2.2.2.1 of the "California Fire Code, 1995 Edition" adopted by Section 15.20.010 in which the storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited in the entire city except areas zoned C-M, M-1 and M-2 as such zones are defined in the zoning regulations of the city.

15.20.300 Section 5202.4.1 AMENDED DISPENSING INTO FUEL TANKS OF MOTOR VEHICLES FROM ABOVEGROUND TANKS

Section 5202.4.1 of the "California Fire Code, 1995 Edition" adopted by Section 15.20.010 is amended to read as follows

Class I and Class II liquids shall not be dispensed into the fuel tank of a motor vehicle from aboveground tanks except when such tanks are installed inside special enclosure in accordance with Section 5202.3.6 or Section 5202.3.6.1.

15.20.310 Section 5202.3.6.1 ADDED ABOVEGROUND TANKS CONTAINING CLASS II LIQUIDS

Section 5202.3.6.1 of the "California Fire Code, 1995 Edition" adopted by Section 15.20.010 is added to read as follows:

SCOPE

This section shall apply to new and existing locations.

TANK CONSTRUCTION

Aboveground tanks used for dispensing of Class II liquids into the tanks of motor vehicles are prohibited except in areas zoned M-2.

Tanks shall be built to meet Underwriters Laboratories Inc., Standard for Steel Aboveground Tanks for Flammable and Combustible Liquids, U.L. 142

Tanks shall be securely supported by concrete, masonry or protected steel. Tanks supports shall rest on foundations of concrete. Tank foundations shall be designed to minimize the possibility of uneven settling of the tank.

Steel supports for tanks shall have a fire resistance rating of not less than two hours, except that solid web steel saddles need not be protected if less than 12 inches at their lowest point.

Design of supports shall be in accordance with the California Fire Code, 1995 Edition

Normal venting and emergency venting shall meet all requirements of the "California Fire Code, 1995 Edition".

All connections, fittings or other appurtenances shall be installed in accordance with Division VII, "Piping, Valves and Fittings."

Tanks containing Class II liquids shall not exceed 12,000 gallons and shall be limited to one tank per parcel.

CONTAINMENT WALL

A containment wall of concrete or masonry shall be constructed regardless of tank construction and shall be designed to contain 110 percent of the tank capacity. The containment wall shall have no side closer than 15 feet to any property line or building.

The minimum distance between tanks and the interior containment walls shall be not less than 3 feet and not more than 5 feet.

Containment walls shall not be less than 3 feet in height and not more than 5 feet in height.

Provision shall be made for removing water from the containment area in accordance with the California Fire Code 1995 edition. Rainwater drainage should be designed to exit below floor surface.

Piping shall not be allowed to pass through containment walls.

The containment area shall be kept free of combustible material, empty or full drums or barrels.

ELECTRICAL

Electrical controls shall meet all requirements of the "California Fire Code, 1995 Edition".

DISPENSING SYSTEMS

Dispensing systems shall not be by gravity feed and shall be designed to limit the quantity dispensed to 150 gallons each activation of the dispensing system

Dispensing pumps shall be installed at the top of the tanks.

A normally closed solenoid valve is to be installed on the outlet of the dispensing pump. This valve is to be electrically wired so that it will open when the pump is operating.

Dispensing devices shall conform the "California Fire Code, 1995 Edition".

Each pump shall have installed on the discharge an approved leak-detection device which will provide an indication if the piping and dispensers are not essentially liquid tight.

Protection against physical damage shall be provided as required by the Fire Chief.

The system shall be tested as provided in the California Fire Code 1995 edition.

SAFETY RULES

Portable fire extinguishers with a minimum classification of 2A-20BC shall be provided and so located that it will be not more than 75 feet from any pump.

A conspicuous sign prohibiting smoking, and requiring the motor to be shut off during fueling operations shall be posted.

The grade of the land shall be such that a fuel spill will not drain to a storm drain, building or other exposure.

The system site shall be provided with a fire alarm transmitting device. Such a device may be a telephone not requiring a coin to operate.

Section 3 - No Mandatory Duty of Care. This ordinance is not intended to and shall not be construed or given effect in a manner which imposes upon the City, or any officer or employee thereof, a mandatory duty of care towards persons or property within the City or outside of the City so as to provide a basis of civil liability for damages, except as otherwise imposed by law.

Section 4 - Severability. If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application. To this end, the provisions of this ordinance are severable. The City Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof.

Section 5. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

Section 6. This ordinance shall be published one time in the "Lodi News Sentinel," a newspaper of general circulation printed and published in the City of Lodi and shall be in force and take effect thirty days after its passage.

Approved this ____ day of _____, 1997

PHILLIP A. PENNINO, Mayor

Attest:

ALICE M. REIMCHE
City Clerk

State of California
County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1651 was introduced at a regular meeting of the City Council of the City of Lodi held August 6, 1997, and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held _____, by the following vote:

Ayes: Council Members -

Noes: Council Members -

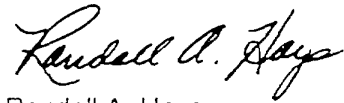
Absent: Council Members -

Abstain: Council Members -

I further certify that Ordinance No. 1651 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.

ALICE M. REIMCHE
City Clerk

Approved as to form



Randall A. Hays
City Attorney